

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE LAUGHLIN PRODUCTS, INC., :  
PATENT LITIGATION : MDL Docket No.1498  
:

**PRETRIAL ORDER NO. 1**

AND NOW, this 31<sup>st</sup> day of January, 2003, following a pretrial conference with counsel:

**1. Counsel for the Parties**

Laughlin Products, Inc. will be represented in the proceedings in this Court by:

- a. Michael A. O'Neil, Esquire, lead and liaison counsel  
Michael A. O'Neil, PC  
5949 Sherry Lane, Suite 1030  
Dallas, TX 75225  
214.739.0088
- b. Kevin R. Casey, Esquire, local counsel  
Ratner & Prestia  
One Westlakes, Berwyn Suite 301  
P.O. Box 980  
Valley Forge, PA 19482-0980  
610.407.0700

Hollywood Tanning Systems, Inc. and its franchisees will be represented by:

- a. Laurence S. Shtasel, Esquire, lead and liaison counsel  
Blank Rome  
One Logan Square  
Philadelphia, PA 19103  
215.569.5691
- b. Jonathan Korn, Esquire, associate lead and liaison counsel  
Blank Rome  
210 Lake Drive East, Suite 200, Woodland Falls Corporate Center  
Cherry Hill, NJ 08002-1164  
856.779.3600

By agreement of the parties, counsel who have entered appearances in the transferor districts will not appear in this Court and need not receive notices of pleadings, etc. Liaison counsel shall provide service of all papers in accordance with Rule 5.2, Rules of Procedure of the Judicial Panel on Multidistrict Litigation.

**2. Pleadings**

Counsel will discuss among themselves and advise the Court as to the designation of one of the Complaints as a “lead Complaint”, and leave is granted to Laughlin Products, Inc. to amend any of the existing Complaints and to designate one Amended Complaint as the lead Complaint, to be accomplished by February 14, 2003.

Hollywood Tanning Systems, Inc. and the other defendants in the transferor courts, who are its franchisees, will file and serve an Answer and any counterclaim to the lead Complaint by March 14, 2003. Response to the counterclaim shall be filed by March 28, 2003.

Assuming that a lead Complaint is designated and that counterclaims are filed, the Court will entertain a Motion or Stipulation staying any issues concerning in personam jurisdiction in the case filed in the District of New Jersey by Hollywood Tanning Systems, Inc., C.A. No. 2002-3625.

**3. Parties**

Counsel will discuss among themselves whether, and to what extent, the franchisees of Hollywood Tanning Systems, Inc. shall be parties in this multidistrict litigation, and whether, by Stipulation or Motion, certain franchisees should be designated as “lead franchisees” who will participate in discovery, etc., but that proceedings will be stayed as to the other franchisees.

**4. Discovery**

The parties will begin discovery, limited to Requests for Production of Documents, and Interrogatories, while the pleadings are being completed. By February 20, 2003, Laughlin Products, Inc. and Hollywood Tanning Systems, Inc. will serve on each other a Rule 34 Request for Production of Documents, and are also given leave to serve up to 15 Interrogatories on each other, by February 20, 2003. Any objections thereto shall be served by March 10, 2003. If objections cannot be resolved, then a Motion pursuant to Rule 37, F. R. Civ. P. shall be filed by March 28, 2003.

By March 28, 2003, the parties shall have discussed, and filed with the Court, a report on their proposed discovery pursuant to Rule 26(f).

Any Motion to Stay by Laughlin Products, Inc. in connection with a re-examination of its patent before the Patent and Trademark Office, shall be filed by March 20, 2003, and any response shall be filed by March 31, 2003.

The discovery plan to be filed by the parties shall, subject to any objections, or contentions which any party may raise, discuss the following matters:

- a. Completion of document production and any additional Requests for Documents or Interrogatories.
- b. Requests for Admission.
- c. Commencement of depositions.
- d. Proposals as to discovery of or by franchisees.
- e. Completion of all fact discovery.
- f. Identification of experts.

- g. Service of expert reports.
  - h. Expert depositions.
  - i. Filing of dispositive Motions.
5. The Court will hold another pretrial conference on April 4, 2003, at 1:30 p.m.

BY THE COURT:

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Michael M. Baylson, U.S.D.J.

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